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Dias, Liyanagamage Ranganath Prabashwara

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# EXHIBIT A

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National Science Foundation • Office of Inspector General  
2415 Eisenhower Avenue, Alexandria, VA 22314

March 16, 2023

**Personal and Confidential**

VIA ONEDRIVE

Stephen Dewhurst, Ph.D.  
Interim Vice President for Research  
University of Rochester  
[stephen\\_dewhurst@urmc.rochester.edu](mailto:stephen_dewhurst@urmc.rochester.edu)

Dear Dr. Dewhurst:

The Office of Inspector General at the National Science Foundation (NSF) is responsible for handling allegations of research misconduct involving NSF proposals and awards. In our conversation of March 16, 2023 I informed you that our office reviewed an allegation of research misconduct against one of your faculty members, Dr. Ranga Dias. We have determined there is sufficient substance to warrant an investigation. You agreed University of Rochester would accept referral of this allegation and conduct an investigation into this matter.

In accordance with NSF's regulation, awardee institutions bear primary responsibility for investigating allegations of research misconduct.<sup>1</sup> We will defer our investigation into these allegations until your institution has completed its investigation. **Please forward to me by March 31, 2023 the policies and procedures you will follow in carrying out this investigation** — if they are online, please forward the URL(s). The guidance in this letter and the documents referred to herein — such as our Dear Colleague Letter<sup>2</sup> and relevant portions of our Semiannual Reports to Congress<sup>3</sup> — may be helpful to you as you plan and conduct your investigation.

We hope the guidance provided in this letter will help you to investigate in such a way that meets the needs of all interested parties. Because a professional reputation is involved, fairness, due process, and confidentiality should be considered paramount. There is no presumption of wrongdoing by Dr. Dias or anyone else associated with the alleged research misconduct; rather, your confidential investigation should be designed to determine, without preconceptions, whether research misconduct occurred, and if so, who committed it.

<sup>1</sup> See 45 C.F.R. §§ 689.4 & 689.6(a), at <https://oig.nsf.gov/sites/default/files/document/2021-08/45-CFR-689.pdf>

<sup>2</sup> <https://oig.nsf.gov/sites/default/files/document/2023-02/DCL.pdf>

<sup>3</sup> <https://oig.nsf.gov/reports-publications/reports/semiannual>

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## Our Review

As you know, it is alleged that Dr. Dias fabricated and/or falsified data in Publication 1 (Attachment 1) which was subsequently retracted (Attachment 2). Publication 1 acknowledges support from NSF Award DMR-1809649. Specifically, it is alleged that the data related to magnetic susceptibility, shown in figure 2a, show attributes that are inconsistent with the stated data analysis methodology.

We reviewed your institution's Inquiry Report (Attachment 3), publicly released data related to Publication 1 (Attachments 4 and 5), Dr. Dias's public explanation of the questioned method (Attachment 6), and the journal's post-publication review of Publication 1 (Attachments 7-9). Dr. Dias's responses, included within these materials, do not dispel the allegation because they do not provide sufficient clarity and detail for independent researchers to reproduce the published results from the author-provided data. In addition, reviewers identified data discrepancies that cannot be attributed to data processing (background subtraction) and that raise additional questions about the experimental methods. Specifically, reviewers note that the published data precision exceeded that obtainable via available scientific instruments and that the published data show resolution higher than can be obtained via stated methods. Further, two arXiv preprints (Attachments 10-11) analyze the electrical resistance data shown in figures 1a and 2b of Publication 1. These preprints describe data features that are not expected based on the described experimental and data analysis methods, thus alleging data fabrication and/or falsification in the electrical resistance data. Based on this, we concluded there is sufficient evidence to proceed with an investigation.

It is further alleged that Dr. Dias fabricated and/or falsified data in Publication 2 (Attachment 12). Publication 2 acknowledges support from NSF Award DMR-1809649. Specifically, it is observed that the electrical resistance data in figure 1b of Publication 2 appears to be identical to resistivity data published in Dr. Dias's thesis and described as being from a different material (Attachments 13 and 14). Based on this, we concluded there is sufficient evidence to include this allegation in the investigation.

## Your Investigation

### Overview

General guidance concerning the role of institutions in NSF research misconduct cases is available in 45 C.F.R. § 689.4. During your investigation, you should obtain and review all relevant documents and interview individuals, including any colleagues and others who may have knowledge of the data collection and analysis reported in Publications 1 and 2. Any information you acquire during your investigation, including any information we may provide to you, should be kept strictly confidential.<sup>4</sup>

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<sup>4</sup> 45 C.F.R. § 689.4(a)(3)-(4)

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The official(s) who conduct this investigation and any technical experts you might rely on to evaluate evidence related to this investigation should not have a current or previous personal or professional relationship with Dr. Dias that could be considered a conflict of interests. **Please forward to me by April 14, 2023 a curriculum vitae (CV) for each official appointed to conduct this investigation as well as the CV for Dr. Dias.**

#### Securing Original Research Records

As part of your investigation, you should secure pertinent research records.<sup>5</sup> You should immediately move to secure all records related to this matter. It is in the best interests of all parties to ensure no one can assert there was an opportunity to alter the primary data before or during your efforts. Therefore, you should ensure the originals of all primary data, notebooks, manuscript drafts, computer files, and other relevant documents associated with the questioned research are secured and placed under the control of those conducting the investigation. If you discover relevant documents are at a site not under your control (such as in Dr. Dias's possession elsewhere) or are not subject to your authority (such as Dr. Dias's personal property), please notify us immediately (if possible before starting to secure any records) so we can discuss alternatives. In certain circumstances, we may be able to assist, such as by requesting the records ourselves, or issuing a subpoena. It is important that all relevant records are secured at one time. We recommend that Dr. Dias be notified of the investigative process simultaneously with the collection of the relevant records, rather than in advance; you should provide a copy of this letter to Dr. Dias at that time. **Please notify me when you have provided Dr. Dias with a copy of this letter.**

The materials should be held secure until NSF has informed you the case is closed. This confidential investigative process should be conducted to minimize, to the extent practical, interference in the ongoing research of Dr. Dias. Dr. Dias and other affected individuals may be allowed reasonable access to the original records under careful supervision of an institution official designated for this role. Please be sure that when access is granted, or copies are made of computer files, that the original files are not compromised or changed. We recommend you obtain a computer expert who is knowledgeable in the specific systems involved to ensure the original computer files remain uncompromised.

#### Scope of the Investigation

Nothing in this letter should be construed as limiting the scope of your investigation or imposing a particular view of this matter on you. Any new evidence or allegations of misconduct should also be investigated.

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<sup>5</sup> We recommend that you consider, in consultation with your general counsel, whether all of the relevant research records are subject to your authority.

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Determination of Research Misconduct

To establish whether research misconduct was committed under NSF's regulation, we request the investigating official(s) answer the following questions for each alleged act of research misconduct:

1. Does a preponderance of the evidence prove that Dr. Dias committed fabrication, falsification, or plagiarism, as defined by NSF's regulation?<sup>6</sup>
2. If yes, does a preponderance of the evidence prove that the fabrication, falsification, or plagiarism constituted a significant departure from accepted practices of the relevant research community?<sup>7</sup>
3. If yes, does a preponderance of the evidence prove that the fabrication, falsification, or plagiarism was committed culpably (*i.e.*, either intentionally (purposefully), knowingly, or recklessly), and is not honest error?<sup>8</sup> To assist our evaluation of intent, we ask that your report include an assessment of the evidence of Dr. Dias's intent following our guidance and definitions at <https://oig.nsf.gov/sites/default/files/document/2022-11/Intent.pdf>.<sup>9</sup>

The response to each question must include a full explanation of the specific evidence that forms the basis for the conclusion.

Our primary concern, when evaluating whether to recommend that NSF make a finding of misconduct, will be your assessment of each allegation with respect to NSF proposals and/or awards. However, misconduct involving other agencies' proposals and awards, as well as misconduct unrelated to Federal funding, can be relevant to the determination of state of mind and evidence of a pattern in an NSF-related case. While the commission of other acts of misconduct should not be considered when evaluating the evidence that Dr. Dias committed a particular act in this case, it can and should be considered in evaluating whether Dr. Dias acted culpably, *i.e.*, either recklessly, knowingly, or intentionally (purposefully) in this case.

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<sup>6</sup> 45 C.F.R. § 689.1(a)

<sup>7</sup> 45 C.F.R. § 689.2(c)(1)

<sup>8</sup> 45 C.F.R. § 689.2(c)(2). If your policy requires a different degree of intent for a finding of misconduct — such as knowing rather than reckless — your report should state this, and we ask that your report include an assessment of the subject's actions under NSF's state-of-mind requirement.

<sup>9</sup> You may be required by your policy (or local statute or case law) to address the evidence of the subject's state of mind according to different criteria — for example, you may use a different definition of recklessness — if so, your report should state this in addition to an assessment following our guidance.

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Additional Considerations

To assist NSF's evaluation of what actions to take when research misconduct is found (that is, all three of the above questions answered affirmatively), we also request that the investigating official(s) address the following:

1. Were Dr. Dias's actions an isolated event or part of a pattern?<sup>10</sup> The investigating official(s) should consider examining other data and research results related to the award, Dr. Dias's other proposals and reports submitted to NSF and other organizations, as well as his publications, for additional falsification and/or fabrication evidencing a pattern.
2. Did Dr. Dias's actions have a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare?<sup>11</sup> If yes, please describe how.
3. Has Dr. Dias received or participated in any training in the responsible and ethical conduct of research or other training relevant to the acts that are the subject of your investigation? If yes, please describe that training.

Here too the response to each question should include a full explanation of the specific evidence that forms the basis for the conclusion.

Finally, please note that your investigation efforts should be completed within 180 days of your receipt of this letter: **September 22, 2023**.<sup>12</sup>

### **Your Investigation Report**

When your investigation concludes, please provide us with a copy of the investigation report. To be of the greatest assistance to our independent assessment for NSF's purpose to protect Federal interests, your investigation report should include a description of all the evidence relevant to your resolution of the allegation(s) investigated, including documentary evidence, interviews conducted, and witness statements. Your report should include legible copies of all relevant documentary evidence, and transcripts (or summaries, if transcripts are unavailable) of all interviews or statements. Your report should contain a full explanation of the findings, conclusions, and recommendations of the investigation. If, as a result of the investigation, you take administrative action, provide us with the name and title of the person(s) who imposed the action, and copies of documents detailing the basis for action and how it was implemented. **Please let me know when you are ready to provide the report and attachments. I will send you an email with a link for the secure, encrypted transmission of electronic documents.**

Upon receipt of your investigation report, we will assess the accuracy and completeness of the report and whether your institution followed reasonable procedures.<sup>13</sup> We must evaluate the evidence independently to determine whether any action by NSF is necessary. If your

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<sup>10</sup> 45 C.F.R. § 689.3(b)(3)

<sup>11</sup> 45 C.F.R. § 689.3(b)(4)

<sup>12</sup> 45 C.F.R. § 689.6(a)

<sup>13</sup> 45 C.F.R. § 689.9(a)

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investigation report provides sufficient evidence to form the basis for our independent assessment, we will be able to accept your investigation rather than conducting our own.

### Conclusion

We have found that committee members conducting research misconduct investigations find it helpful to discuss with us beforehand NSF's and their institution's policies and procedures. I will be in contact with you shortly to arrange a date when I and another member of our staff can virtually meet with the officials who will be conducting the investigation as well as the official(s) who will make the final decisions and impose any action.

In closing, I would like to emphasize that you should feel free to discuss with me any concerns or issues that may arise during your investigation. If, at any time during your investigation, you find evidence supporting new allegations of research misconduct or civil or criminal wrongdoing, please contact me immediately so that we may determine the best course of action. I can be contacted at 703-292-7756 or bmasimor@nsf.gov. We will be happy to contribute in any way possible that safeguards the thoroughness, fairness, confidentiality, and objectivity of your investigation.

Sincerely,

Beth Masimore, Ph.D.  
Investigative Scientist

#### Attachments:

- Attachment 01 - Publication 1 (Nature 2020).pdf
- Attachment 02 - Retraction Note.pdf
- Attachment 03 - Inquiry Report.pdf
- Attachment 04 - arxiv\_2111.15017v1.pdf
- Attachment 05 - arxiv\_2111.15017v2.pdf
- Attachment 06 - arxiv\_2201.11883v1.pdf
- Attachment 07 - Post-Publication Review Comments.pdf
- Attachment 08 - Post-Publication Response to Review.pdf
- Attachment 09 - Post-Publication Reply to Response.pdf
- Attachment 10 - arxiv-2210.10766.pdf
- Attachment 11 - arxiv\_2212.06237.pdf
- Attachment 12 - Publication 2 (PRL 2021).pdf
- Attachment 13 - Comment on PRL.pdf
- Attachment 14 - Analysis of PRL Figure 1b.pdf

Copy to Dr. Ranga Dias via University of Rochester (with attachments)